

# Keller | Postman

May 4, 2023

**VIA ECF**

The Honorable Denise L. Cote  
United States District Court Judge  
Southern District of New York  
500 Pearl Street, Room 1910  
New York, New York 10007

*Request to file under seal and redact  
is approved. Denise Cote  
5/11/23*

Re. *In Re: Acetaminophen – ASD–ADHD Products Liability Litigation*, Case No. 1:22-md-03043 (S.D.N.Y.) – Motion to File Under Seal

**This Document Relates To:** All Cases

Dear Judge Cote:

Plaintiffs submit this letter to request that an exhibit be filed under seal pursuant to the Protective Order, Dkt. 351 (the “Protective Order”), and Rule 8-B of the Court’s Individual Practices. Specifically, Plaintiffs respectfully request to file under seal Exhibit 1 in support of Plaintiffs’ Reply to Johnson and Johnson Consumer Inc.’s (“JJCI”) Opposition to Plaintiffs’ Motion for Protective Order, Dkt. 614, (“Reply”), which is attached as Exhibit A to Plaintiff’s Letter Motion for Leave to Reply. Plaintiffs also request to file portions of the Reply that reference Exhibit 1 under seal.

The parties’ stipulated Protective Order prohibits Plaintiffs from disclosing publicly documents that have been designated “Confidential Information” by a producing party. JJCI designated the documents contained in Exhibit 1 in support of Plaintiffs’ Reply, APAP-JJCI-0000517997–8002, as “Confidential – Subject to Protective Order.” Plaintiffs agree that these documents contain “trade secret[s] or other confidential research, development, or commercial information” subject to the protection of Federal Rule of Civil Procedure 26(c)(1)(G) because Exhibit 1 contains JJCI’s proprietary, strategic planning for some of its products. *See Kewazinga Corp. v. Microsoft Corp.*, No. 1:18-CV-4500-GHW, 2021 WL 1222122, at \*3 (S.D.N.Y. Mar. 31, 2021). Accordingly, the document contained in Exhibit 1 should be filed under seal.

Pursuant to the Protective Order and Rule 8-B of the Court’s Individual Practices, Plaintiffs will contemporaneously file the proposed sealed documents under seal in the ECF system and electronically relate those documents to this letter-motion.

Respectfully submitted,

/s/ Ashley Keller  
Ashley C. Keller (*Pro Hac Vice*)  
KELLER POSTMAN LLC  
150 N. Riverside Plaza LLC, Ste. 4100

# Keller | Postman

Chicago, Illinois 60606  
(312) 741-5220  
ack@kellerpostman.com

WATTS GUERRA LLC  
Mikal C. Watts (*Pro Hac Vice*)  
Millennium Park Plaza RFO  
Ste. 410, C112  
Guaynabo, Puerto Rico 00966  
(210) 447-0500  
mcwatts@wattsguerra.com

THE LANIER LAW FIRM  
W. Mark Lanier (*Pro Hac Vice*)  
Tower 56  
126 East 56<sup>th</sup> St., 6<sup>th</sup> Floor  
New York, New York 10022  
(212) 421-2800  
mark.lanier@lanierlawfirm.com